

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

KOREY DEVON HARMON,)
)
Plaintiff,) CIVIL ACTION NO.
)
v.) 2:23cv311-MHT
)
 (WO)
SHAMAL K. SMITH,)
)
Defendant.)

ORDER and FINAL JUDGMENT

Plaintiff, an inmate proceeding pro se and in forma pauperis, filed this Complaint on a form used by inmates for filing 42 U.S.C. § 1983 actions. Prior to service of the complaint, plaintiff filed a motion (Doc. 9) wherein he requests dismissal of this case. The court construes the motion as a notice of dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i), which permits voluntary dismissal by a plaintiff "before the opposing party serves either an answer or a motion for summary judgment[.]" Under Fed. R. Civ. P. 41(a)(1)(B), such dismissal is "without prejudice."

Because the notice of dismissal comports with Rule

41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, plaintiff Harmon's claims against defendant Shamal Smith have been dismissed by operation of Rule 41(a)(1).

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. All motions are terminated.

This case is closed.

DONE, this the 31st day of July, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE